

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 OMB-01 /065 W

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R 020916Z DEC 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8694

C O N F I D E N T I A L MANILA 19044

E.O. 11652: GDS

TAGS: SHUM, RP

SUBJECT: AQUINO CASE: TRIAL RESUMES MONDAY

REF: MANILA 18920

1. SUMMARY: MILITARY TRIBUNAL WILL REOPEN AQUINO CASE DECEMBER 5. SUPREME COURT REJECTED MOTION TO RESTRAIN TRIBUNAL, WITH FOUR JUSTICES (RATHER THAN USUAL TWO) SIDING WITH AQUINO. COURT ALSO RESUMED CONSIDERATION OF PETITION TO DISMISS OR TRNNSFER AQUINO CASE TO CIVILIAN COURT. DEFENSE PLANS TO FILE MORE PETITIONS THIS WEEKEND, AND AQUINO WILL NOT DEFEND HIMSELF DECEMBER 5. HOWEVER HE WILL TESTIFY AS WITNESS IN BUSCAYNO'S DEFENSE IN EFFORT TO BREAK ALLEGED AQUINO-COMMUNIST LINK WHICH IS BASIS OF PRESECUTION CASE. ONLY ONE PAPER CONTINUED REACTION TO STATE DEPARTMENT STATEMENT. END SUMMARY.

2. MANILA NEWSPAPERS DECEMBER 2 ANNOUNCED THAT MILITARY TRIBUNAL WILL REOPEN TRIAL OF AQUINO AND OTHERS AT 0930 MONDAY, DECEMBER 5. CHIEF MILITARY PROSECUTOR CONFIRMED TO THE PRESS THAT HE WOULD NOT INTRODUCE NEW PROSECUTION EVIDENCE.

3. PRESS ALSO REPORTED THAT SUPREME COURT HAD VOTED
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5-4 TO DENY AQUINO'S MOTHER'S URGENT MOTION, FILED LAST MONDAY, FOR TEMPORARY ORDER RESTRAINING MILITARY COMMISSION FROM ACTING PENDING SUPREME COURT RESOLUTION OF HER HABEAS CORPUS PETITION. PRESS LISTED THE FOUR JUSTICES WHO SUPPORTED AQUINO POSITION AS ENRIQUE FERNANDO, CLAUDIO TEEHANKEE, FELIX MAKASAIR AND CECILIA MUNOZ-PALMA. (COMMENT: IN PREVIOUS VOTES ONLY TEEHANKEE AND PALMA

DISSENTED.) ACCORDING TO DAILY EXPRESS, "COURT SOURCES SAID A MAJORITY OF AT LEAST EIGHT VOTES WAS NECESSARY TO STOP THE MILITARY TRIBUNAL FROM PROCEEDING."

4. THE SUPREME COURT ALSO AGREED TO CONTINUE CONSIDERATION OF MRS. AQUINO'S HABEAS CORPUS PETITION. (AQUINO'S REFUSAL TO TESTIFY BEFORE TRIBUNAL LAST WEEK WAS BASED IN PART UPON HIS ASSERTION THAT THIS PETITION WAS STILL PENDING BEFORE SUPREME COURT. PRESS AT THAT TIME REPORTED THAT AQUINO'S CONVICTION RENDERED THE PETITION ACADEMIC.)

5. EMBOFF MET DECEMBER 1 WITH SENATOR SALONGA, AQUINO'S PRINCIPAL LEGAL ADVISER. SALONGA SAID CONFIDENTIALLY THAT BEFORE MONDAY REOPENING OF TRIAL, AQUINO'S ADVISERS WILL FILE MOTIONS BEFORE SUPREME COURT (1) TO OBTAIN RESTRAINING ORDER AND (2) TO SUBMIT ADDITIONAL SUPPORTING EVIDENCE FOR HABEAS CORUPS PETITION TO DISMISS OR TRANSFER CASE TO CIVILIAN COURT. IF THESE APPROACHES FAIL, ON MONDAY AQUINO WILL AGAIN REFUSE TO PRESENT EVIDENCE BEFORE THE MILITARY TRIBUNAL. HOWEVER, HE WILL BE CALLED AS DEFENSE WITNESS IN THE CASE OF CO-ACCUSED NPA CHIEF BERNEBE BUSCAYNO. AS A WITNESS AQUINO WILL TESTIFY HE DOES NOT KNOW BUSCAYNO; BUSCAYNO AND COMMUNIST PARTY CHAIRMAN JOSE MARIA SISON WILL THEN TESTIFY THEY DO NOT KNOW AQUINO. THIS EXCHANGE, THE STRATEGISTS HOPE, WILL DESTROY THE ALLEGED LINKAGE OF AQUINO AND TOP COMMUNISTS WHICH IS THE BASIS
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OF THE GOVERNMENT CASE.

6. TIMES JOURNAL DECEMBER 2 CARRIED BITTER EDITORIAL REACTING TO DEPARTMENT STATEMENT OF NOVEMBER 26: "MANY AMERICANS HAVE ACQUIRED THE ODIIOUS HABIT OF JUDGING OTHER PEOPLE BY THEIR STANDARDS, QUICK TO CRITICISMS WHEN THEIR JAUNDICED EXPECTATIONS ARE NOT MET. AND QUITE OFTEN, THE SO-CALLED PRINCIPLES THEY TRY TO IMPOSE ON OTHERS ARE NOTHING BUT EMPTY IDEALISMS THAT ARE NOT EVEN APPLIED TO MINORITIES IN THE UNITED STATES. THIS REGRETTABLE PASTIME OF AMERICANS HAS ANTAGONIZED MANY NATIONS IN THE PAST TO THE EXTENT THAT THE US OFTEN FINDS ITSELF HARDLY WITH ALLIES IN MANY WORLD FORUMS. TAKE THE CASE OF THE US WITHDRAWAL FROM THE ILO. ... MUCH NEARER HOME, THE US STATE DEPARTMENT EPITOMIZED THIS DETESTABLE AMERICAN PENCHANT BY IMMEDIATELY CRITICIZING THE VERDICT ON FORMER SENATOR BENIGNO AQUINO AND IN EFFECT PROCLAIMING TO THE WORLD WHAT A BAD BOY THE PHILIPPINES IS AND WHAT A BENEVOLENT NATIONS THE US IS. ... THE US STATE DEPARTMENT, BLINDED BY THE PREJUDICE BUILT THROUGH THE YEARS, MADE A HASTY CONCLUSION THAT AQUINO, A POLITICAL ADVERSARY OF PRESIDENT MARCOS, WAS TRIED BY A KANGAROO

COURT AND IS BEING RAILROADED TO HIS GRAVE, YET IF WE
ARE TO RETURN THE COMPLIMENT, WE CAN ADVERT TO THE PLIGHT
OF THE TWO FILIPINO NURSES WHO...WERE CONVICTED ON PURELY
CIRCUMSTANTIAL EVIDENCE BY WHAT WE WOULD LIKE TO SUSPECT
TO BE A BIASED ALL-WHITE JURY. IN THE CASE OF THESE TWO
NURSES, THE PHILIPPINE GOVERNMENT WISELY REFRAINED FROM
COMMENTING, ONE WAY OR ANOTHER, IN DEFERENCE TO INTERNATIONAL
DIPLOMATIC PRACTICES."

7. POLCOUNS WAS TOLD BY WELL CONNECTED MAGAZINE PUBLISHER
THAT TEXT OF ATTACK ON STATE DEPARTMENT COMMENT BY
BULLETIN TODAY COLUMNIST BIGNORIA NOVEMBER 29 (MANILA 18839)
WAS "VIRTUALLY DICTATED OVER THE PHONE BY THE PRESIDENT
HIMSELF."
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Message Attributes

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Disposition Date: 22 May 2009
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